

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ALGIERS

AMCONSUL ORAN

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E.O. 11652: N/A

TAGS: CASC, AG (HENDRIX/RUPERT)

SUBJECT: DRUG LAW TRIAL AND CONSULAR ACCESS

REFS: (A) STATE 95661, (B) COLBERT MEMO OF APRIL 15, 1975,
(C) DARLINGTON MEMO OF APRIL 25, 1975

1. WE ARE PREPARING TO MAKE A STRONG PROTEST IN THE
HENDRIX/RUPERT CASE. IF THEY WERE TRIED WITHOUT LEGAL
COUNSEL THEIR CONVICTION WAS INVALID UNDER ALGERIAN AND
INTERNATIONAL LAW AND THEIR CONTINUED DETENTION UNACCEPT-
ABLE, REGARDLESS OF THE QUESTION OF RETROACTIVE PENALTIES
DISCUSSED REF A. BEFORE DRAFTING PROTEST WE NEED INFORMA-
TION ABOUT FOLLOWING: (A) IF THEY ARE AVAILABLE, PLEASE
CITE AND QUOTE SECTIONS OF ALGERIAN CODES WHICH GUARANTEE
DEFENDANTS IN CRIMINAL TRIALS THE RIGHT OF LEGAL REPRESENTA-
TION; (B) AT THE TRIAL DID THE DEFENDANTS HAVE NO COUNSEL
AT ALL AND NO OPPORTUNITY TO OBTAIN COUNSEL? WERE THEY
OFFERED COUNSEL BUT MADE A VOLUNTARY REFUSAL OF SUCH
ASSISTANCE?; (C) DID A RETRIAL OF SOME SORT TAKE PLACE AT
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THE FIRST APPEAL IN MARCH AT WHICH TIME THEY WERE REPRESEN-

TED? DID THE SAME COURT HEAR THE APPEAL AS CONDUCTED THE FIRST TRIAL? ARE APPEALS COURTS IN ALGERIA AT THIS LEVEL AUTHORIZED TO RETRY ISSUES ALREADY DETERMINED IN THE COURT BELOW?; (D) HAVE THE PRISONERS EFFECTIVELY BEEN DENIED ACCESS TO COUNSEL SINCE THEIR REMOVAL TO EL ASNAM PRISON? WERE THEY DENIED SUCH ACCESS, OR WAS IT UNREASON-

ABLY RESTRICTED, DURING THE TIME OF THE FIRST APPEAL?

2. PART OF PROTEST WILL PROBABLY BE BASED ON LACK OF CONSULAR ACCESS BEFORE TRIAL AND DIFFICULTY OBTAINING IT DURING APPEALS. DO YOU HAVE INFORMATION ACQUIRED SINCE MID-APRIL TO SUPPLEMENT THAT CONTAINED IN REF B ON THE PROBLEM OF ACCESS? INGERSOLL

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